

Case Law Cheat Sheet - 5th Circuit

Note: this cheat sheet is meant as a helpful starting place for research, not an exhaustive list

Last Updated: 3/30/2017

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ASYLUM

- REAL ID
 - [Le v. Lynch](#), 819 F.3d 98, 108 fn. 6 (5th Cir. 2016)
- General Eligibility
 - [Ramirez-Mejia v. Lynch](#), 794 F.3d 485 (5th Cir. 2015) (No asylum in withholding-only proceedings)
 - [Orellana-Monson v. Holder](#), 685 F.3d 511, 519 (5th Cir. 2012)
- Credibility/Corroboration
 - [Rui Yang v. Holder](#), 664 F.3d 580, 586 (5th Cir. 2011)
 - [Wang v. Holder](#), 569 F.3d 531, 537–40 (5th Cir. 2009)
 - [Zhang v. Gonzales](#), 432 F.3d 339, 343–45 (5th Cir. 2005)
- One Year Bar
 - [Bouchikhi v. Holder](#), 676 F.3d 173, 176–77 (5th Cir. 2012)
- Past Persecution
 - [Tesfamichael v. Gonzales](#), 469 F.3d 109, 116 (5th Cir. 2006)
 - [Eduard v. Ashcroft](#), 379 F.3d 182, 187 (5th Cir. 2004)
- Nexus
 - Religion
 - [Shaikh v. Holder](#), 588 F.3d 861 (5th Cir. 2009)
 - [Chen v. Gonzales](#), 470 F.3d 1131, 1136 (5th Cir. 2006)
 - Political Opinion
 - [Milat v. Holder](#), 755 F.3d 354, 360 (5th Cir. 2014)
 - [Sharma v. Holder](#), 729 F.3d 407, 412 (5th Cir. 2013)
 - [Tamara-Gomez v. Gonzales](#), 447 F.3d 343, 349 (5th Cir. 2006)
 - [Ontunez-Tursios v. Ashcroft](#), 303 F.3d 341, 348–51 (5th Cir. 2002)
 - Particular Social Group
 - [Gonzalez-Soto v. Lynch](#), 841 F.3d 682, 684 (5th Cir. 2016)
("returnees")
 - [Hernandez-De La Cruz v. Lynch](#), 819 F.3d 784, 786 (5th Cir. 2016)
("former informants")
 - [Orellana-Monson v. Holder](#), 685 F.3d 511, 519 (5th Cir. 2012)
 - [Matter of M-E-V-G-](#), 26 I&N Dec. 227 (BIA 2014)
 - [Matter of W-G-R-](#), 26 I&N Dec. 208 (BIA 2014)
- On Account Of/One Central Reason/Mixed Motive for Persecution
 - [Shaikh v. Holder](#), 588 F.3d 861 (5th Cir. 2009)
- Government Unwilling/Unable to Protect
 - [Adebisi v. INS](#), 952 F.2d 910, 914 (5th Cir. 1992)
 - [Matter of A-M-](#), 23 I&N Dec. 737, 741 (BIA 2005)
- Well-Founded Fear of Future Persecution
 - [Orellana-Monson v. Holder](#), 685 F.3d 511, 518 (5th Cir. 2012)
 - [Eduard v. Ashcroft](#), 379 F.3d 182, 193 (5th Cir. 2004)

- Discretion
 - *Orellana-Monson v. Holder*, 685 F.3d 511, 519 (5th Cir. 2012)
 - *INS v. Cardoza-Fonseca*, 480 U.S. 421, 427-28 & n.5 (1987)

WITHHOLDING OF REMOVAL

- Higher Burden than Asylum
 - *Ramirez-Mejia v. Lynch*, 794 F.3d 485, fn. 2 (5th Cir. 2015)
 - *Orellana-Monson v. Holder*, 685 F.3d 511, 518 (5th Cir. 2012)
- General Standards
 - *Sharma v. Holder*, 729 F.3d 407, 412 (5th Cir. 2013)
- Nexus/One Central Reason
 - *Matter of C-T-L-*, 25 I&N Dec. 341 (BIA 2010)

CAT

- Framework
 - *Garcia v. Holder*, 756 F.3d 885, 891 (5th Cir. 2014)
- Torture
 - *Garcia v. Holder*, 756 F.3d 885, 891 fn. 1 (5th Cir. 2014)
 - *Chen v. Gonzales*, 470 F.3d 1131, 1138–40 (5th Cir. 2006)
- No Nexus Required
 - *Tamara-Gomez v. Gonzales*, 447 F.3d 343, 349–50 (5th Cir. 2006)
- Acquiescence/State Action
 - *Iriegas-Valdez v. Yates*, 846 F.3d 806, 812 (5th Cir. 2017)
 - *Hakim v. Holder*, 628 F.3d 151, 155 (5th Cir. 2010)

MANDATORY BARS

- Particularly Serious Crime
 - *Hakim v. Holder*, 628 F.3d 151, 155 (5th Cir. 2010)
 - *Martins v. I.N.S.*, 972 F.2d 657, 660 (5th Cir. 1992)
- Serious Nonpolitical Crime Bar to Relief
 - *Efe v. Ashcroft*, 293 F.3d 899, 905 (5th Cir. 2002)
 - *Matter of E-A-*, 26 I&N Dec. 1 (BIA 2012)
- Terrorist Activity Bar
 - *Matter of S-K-*, 23 I&N Dec. 936, 939 (BIA 2006)
- Persecutor Bar
 - *Negusie v. Holder*, 555 U.S. 511, 542 (2009)
 - *Matter of S-K-*, 23 I&N Dec. 936, 939 (BIA 2006)

NACARA

- Filing Deadline
 - [*Enriquez-Alvarado v. Ashcroft*](#), 371 F.3d 246, 248 (5th Cir. 2004)
- General
 - [*Contreras v. Holder*](#), 754 F.3d 286, 289 (5th Cir. 2014)

CIMTS

- [*Mathis v. United States*](#), 136 S. Ct. 2243 (2016)
- [*Esparza-Rodriguez v. Holder*](#), 699 F.3d 821 (5th Cir. 2012) (assault)
- [*Nino v. Holder*](#), 690 F.3d 691, 696 (5th Cir. 2012) (fraud offense)
- [*Rodriguez-Castro v. Gonzales*](#), 427 F.3d 316, 319 (5th Cir. 2005)

AGGRAVATED FELONIES

- [*Mathis v. United States*](#), 136 S. Ct. 2243 (2016)
- [*Sarmientos v. Holder*](#), 742 F.3d 624 (5th Cir. 2014) (controlled substances)
- [*United States v. Rodriguez*](#), 711 F.3d 541 (5th Cir. 2013)
- [*Rodriguez v. Holder*](#), 705 F.3d 207, 210 (5th Cir. 2013)
- [*Larin-Ulloa v. Gonzales*](#), 462 F.3d 456, 465 (5th Cir. 2006) (crime of violence)
- [*United States v. Zavala-Sustaita*](#), 214 F.3d 601, 604-05 (5th Cir. 2000) (sexual abuse of a minor)

CANCELLATION OF REMOVAL

- Admitted in Any Status
 - [*Tula Rubio v. Lynch*](#), 787 F.3d 288, 291 (5th Cir. 2015)
- Hardship
 - [*Matter of Recinas*](#), 23 I&N Dec. 467, 470 (BIA 2002)
 - [*Matter of Andazola-Rivas*](#), 23 I&N Dec. 319, 323–34 (BIA 2002)
 - [*Matter of Montreal*](#), 23 I&N Dec. 56, 59 (BIA 2001)
- Good Moral Character
 - [*Rodriguez-Avalos v. Holder*](#), 788 F.3d 444, 450 (5th Cir. 2015)
 - [*Omagah v. Ashcroft*](#), 288 F.3d 254, 258 (5th Cir. 2002)
 - [*Hamdan v. INS*](#), 98 F.3d 183, 185 (5th Cir. 1996)

ADJUSTMENT OF STATUS

- Marriage Waivers (Good Faith Marriage/Conditional Residency)
 - [*Arinze v. Ashcroft*](#), 275 F.3d 1078 (5th Cir. 2001)
 - [*Matter of Tee*](#), 20 I&N Dec. 949 (BIA 1995)
- Labor Certification
 - [*Masih v. Mukasey*](#), 536 F.3d 370, 373 (5th Cir. 2008)

- 212(h) Waivers
 - [Marques v. Lynch](#), 834 F.3d 549, 560 (5th Cir. 2016)
 - [Martinez v. Mukasey](#), 519 F.3d 532, 541 (5th Cir. 2008)

ALIENAGE/BURDEN

- [Woody v. INS](#), 385 U.S. 276, 286 (1966)
- [Santos-Sanchez v. Holder](#), 744 F.3d 391, 393 (5th Cir. 2014)

MOTIONS

- To Reopen
 - Based on Ineffective Assistance of Counsel
 - [Hernandez-Ortez v. Holder](#), 741 F.3d 644, 647 (5th Cir. 2014)
 - [Mai v. Gonzales](#), 473 F.3d 162, 165 (5th Cir. 2006)
 - Exceptional Circumstances
 - [Alarcon-Chavez v. Gonzales](#), 403 F.3d 343, 346 (5th Cir. 2005) (late)
 - [Magdaleno de Morales v. I.N.S.](#), 116 F.3d 145, 148 (5th Cir. 1997)
 - [Ogbemudia v. I.N.S.](#), 988 F.2d 595, 599–600 (5th Cir. 1993)
 - [Patel v. I.N.S.](#), 803 F.2d 804, 806 (5th Cir. 1986)
 - Notice
 - [Hernandez v. Lynch](#), 825 F.3d 266, 268 (5th Cir. 2016)
 - [Gomez-Palacios v. Holder](#), 560 F.3d 354, 360 (5th Cir. 2009)
 - Based on Asylum/Changed Country Conditions
 - [Singh v. Lynch](#), 840 F.3d 220, 222 (5th Cir. 2016)
 - [Panjwani v. Gonzales](#), 401 F.3d 626, 632 (5th Cir. 2005)
 - Sua Sponte
 - [Enriquez-Alvarado v. Ashcroft](#), 371 F.3d 246, 248–49 (5th Cir. 2004)
 - Departure Bar
 - [Lugo-Resendez v. Lynch](#), 831 F.3d 337, 342 (5th Cir. 2016)
- To Reconsider
 - [Navarro-Miranda v. Ashcroft](#), 330 F.3d 672 (5th Cir. 2003)
 - [Matter of Ramos](#), 23 I&N Dec. 336, 338 (BIA 2002)
- To Terminate Proceedings
 - [Robertson-Dewar v. Holder](#), 646 F.3d 226 (5th Cir. 2011)
 - [Matter of G-Y-R-](#), 23 I&N Dec. 181 (BIA 2001)